

MINUTES
PLANNING & ZONING COMMISSION OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 01 July 2019

1. **CALL TO ORDER:** Vice-Chairman Sally Cook at 6:02 p.m.
2. **QUORUM CHECK:** Michael J. Cassata, Development Services Director

Commission Members present:

Sally Cook, Vice-Chairman
Elizabeth Dixon, Member
Dr. Nellie Cantu, Member
J Svalberg, Member
Christina Fitzpatrick, Member
Shelly Reynolds, Member
Scott Dagg, Secretary

Also present:

Kim M. Turner, City Manager
Randy Luensmann, PW Director
Vincent Huebinger, Applicant

Commission Members Absent:

Ron Jackson, Chairman
Ron Hannan, Member

3. **MINUTES OF PREVIOUS MEETING:**

Regular Meeting – 03 June 2019

Dr. Cantu moved to accept the minutes as presented. Ms. Dixon seconded the motion. The motion was approved on a 7/0 vote.

4. **NEW BUSINESS:**

- A. **Public Hearing** to hear public input on P.C. 522 (CU 150)—A request for a **Conditional Use Permit** at 810 Kitty Hawk Road (CB 5053M BLK LOT 2 ST. MATTHEWS SUBDIVISION) for a Commercial Communication Tower use in a C5 Highway Commercial District per zoning ordinance 581.

Mr. Cassata provided an overview of the conditional use permit request and turned over the floor to Mr. Huebinger for his PowerPoint presentation.

Mr. Huebinger made a presentation in which he described the surrounding land use, site details, stealth design, coverage maps, and how the project meets the conditional use permit requirements. He also confirmed there could be multiple carriers with T-Mobile as the primary carrier. He explained they are limited to a few sites due to JBSA Randolph requirements. He further detailed why the previously considered City-owned site adjacent to the current subject property was dropped from consideration. One of the reasons was reduced coverage.

Upon inquiry from Vice-Chairman Cook, Mr. Huebinger confirmed it is a land lease.

Ms. Reynolds asked whether the church, as the property owner, should be the applicant instead of Mr. Huebinger's firm. Mr. Cassata explained the church does not need to be the applicant but did provide written permission for the petitioner to file the application.

Further discussion revolved around the height of the antennas and the 75-foot maximum, per JBSA Randolph.

Vice-Chairman Cook, confirming there were no other questions, called on Mr.

Luensmann to speak.

Mr. Luensmann stated Public Works did not have any issues with the design or location. He explained that the two antenna sites currently leased on City-owned properties take up a lot of City staff time due to the constant need to monitor contractors that perform upgrades and improvements. He expressed concern about having to increase the amount of staff time if the cell tower were not located on City-owned property. He also stated staff was not provided the reasons and data behind the applicant's decision to not locate the cell tower on City-owned property.

Mr. Luensmann confirmed the applicant would have to follow the Code and permitting process regardless of installation on a City-owned or privately-owned property. He also confirmed the City's preference to have the cell tower installed on City-owned property since the City would have more control over upgrades, improvements and inspections. He also suggested locating the cell tower on privately-owned property may set a precedent, thereby decreasing City control while increasing the amount of staff time needed to monitor various sites, as previously mentioned.

In response to Dr. Cantu's comment regarding coverage comparison between City and private properties, Mr. Huebinger explained that since the coverage area is better on the church property, more cell towers would be needed if they were to be installed on City-owned properties. He also described the three City-owned sites, including the one that was rejected by JBSA Randolph.

Ms. Reynolds asked why the City was not provided the data and research for the three City-owned sites.

Mr. Huebinger explained that since T-Mobile rejected those sites, there was no need to discuss them with the City.

Mr. Luensmann stated the City has other sites beyond the three that were rejected that could have been explored. He also confirmed there is currently space on the City's water tower for an additional antenna.

No one else from the public provided comment.

Vice-Chairman Cook closed the public hearing at 6:35pm.

- B. **Consider:** P.C. 522 (CU 150)—A request for a **Conditional Use Permit** at 810 Kitty Hawk Road (CB 5053M BLK LOT 2 ST. MATTHEWS SUBDIVISION) for a Commercial Communication Tower use in a C5 Highway Commercial District per zoning ordinance 581.

Ms. Reynolds moved to approve the applicant's request for a conditional use permit for a cell tower at 810 Kitty Hawk Road. Ms. Svalberg seconded the motion.

Vice-Chairman Cook called for discussion on the proposed project.

Mr. Dagg expressed concern that the primary motivation by the applicant to not locate on City-owned property was financial. He also stated there was a likelihood that the City would experience similar contractor issues and that more City-owned properties should be explored. Dr. Cantu concurred.

Vice-Chairman Cook called for a vote. The motion to approve the Conditional Use Permit request failed on a 2/5 vote with Ms. Reynolds and Ms. Svalberg voting

“Aye” and Ms. Cook, Ms. Dixon, Dr. Cantu, Ms. Fitzpatrick and Mr. Dagg voting “Nay”.

5. **CITY MANAGER’S REPORT:** Ms. Turner gave an overview of upcoming events and provided an update on the cleanup status of the property at 2902 Pat Booker Road, otherwise known as the auto salvage yard.
6. **ADJOURNMENT:** The meeting adjourned at 6:45 p.m.



Sally Cook
Vice-Chairman

